

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 6 CERTIFICATION BY WAIVER

10.29.6.1 ISSUING AGENCY: - Department of Public Safety, New Mexico Law Enforcement Academy, 4491 Cerrillos Road, Santa Fe, New Mexico 87505.
[10.29.6.1 NMAC - Rp, 10.29.6.1 NMAC, 11/15/16]

10.29.6.2 SCOPE: All applicants for police officer certification by waiver of basic training and all law enforcement agencies in the state of New Mexico.
[10.29.6.2 NMAC - Rp, 10.29.6.2 NMAC, 11/15/16]

10.29.6.3 STATUTORY AUTHORITY: Section 29-7-10 NMSA 1978 (Repl. Pamp. 1994), Section 29-7-4 NMSA 1978 (Repl. Pamp. 1994), and Section 29-7-5 NMSA 1978 (Repl. Pamp. 1994).
[10.29.6.3 NMAC - Rp, 10.29.6.3 NMAC, 11/15/16]

10.29.6.4 DURATION: Permanent.
[10.29.6.4 NMAC - Rp, 10.29.6.4 NMAC, 11/15/16]

10.29.6.5 EFFECTIVE DATE: November 15, 2016, unless a later date is cited at the end of a section.
[10.29.6.5 NMAC - Rp, 10.29.6.5 NMAC, 11/15/16]

10.29.6.6 OBJECTIVE: The purpose of Part 6 is to establish training requirements and eligibility standards for police officers and telecommunicators who seek certification by waiver of basic training under Section 29-7-10 NMSA 1978 (Repl. Pamp. 1994), Section 29-7C-6 NMSA 1978. Certification by waiver of previous training for officer minimum standards of training will include:

- A.** ethics and sexual harassment - eight hours;
- B.** search and seizure - 16 hours;
- C.** New Mexico legal block - 16 hours
- D.** dealing with the mentally ill (HB 93) - eight hours;
- E.** use of force, response to resistance, and training simulator - 16 hours;
- F.** domestic violence and human trafficking - eight hours;
- G.** reality based training scenarios - four hours;
- H.** administrative time - one hour;
- I.** law enforcement officers certification exam - three hours; and
- J.** 80 hours of academy accredited training is required for successful completion of the certification

by waiver of previous training course.

[10.29.6.6 NMAC - Rp, 10.29.6.6 NMAC, 11/15/16]

10.29.6.7 DEFINITIONS: [RESERVED]

10.29.6.8 REQUIREMENTS FOR POLICE OFFICERS:

A. To be eligible for certification by waiver of basic training, such applicants shall be required to successfully meet all qualifications for police officer admission as set forth in Section 29-7-6 NMSA 1978 (Repl. Pamp. 1997).

B. All applicants must submit a required two-part application packet.

(1) Part I of the packet contains materials documenting employment history, training and certification status, and previous training to be used by the academy board to make a determination of whether the applicant has completed a basic law enforcement training program that is comparable to, or exceeds, the standards of the programs of the academy.

(2) Part II of the packet contains the application for admission and certification; employment verification; completion of a medical and psychological evaluation; criminal history; fingerprint affidavit; waiver of liability; release of information; notarized copy of high school diploma, general education development (GED) certificate, or college diploma; applicant affidavit of United States (U.S.) citizenship or proof of U.S. citizenship; applicant affidavit of proof of current valid driver's license; and a notarized copy of DD214, only applicable if an

applicant has military service. Applicants must meet these requirements to be eligible for the certification by waiver program.

C. Once an applicant has successfully met the aforementioned requirements, the applicant shall complete one of the following paths to successfully meet the certification requirements:

(1) The applicant's agency will provide documentation attesting to the applicant's successful completion of 80 hours of accredited training. Upon review and approval of submitted documentation of aforementioned training, the applicant will then be eligible to challenge, and must successfully pass with a minimum score of seventy percent, the law enforcement officer's certification examination (LEOCE).

(2) If the applicant is unable to complete any of 80 hours of accredited training, or did not successfully pass the LEOCE, the applicant will be required to attend 80 hour certification by waiver training program and successfully pass with a minimum score of seventy percent the LEOCE.

D. Applicants will have two opportunities to successfully pass the LEOCE. If an applicant is unable to pass the LEOCE after two attempts he or she will be required to attend and pass the basic police officer training program.

E. For the purposes of certification by waiver of previous training, pursuant to Section 29-7-10 NMSA 1978 (Repl. Pamp. 1997), the academy board has adopted the following formula to be applied to individuals who have not completed a comparable basic training program: applicants will be given credit for previous certified law enforcement experience at the rate of 40 hours per year for each year of service, up to but not to exceed 10 years, for a total of 400 hours, and the applicant will receive credit for advanced training, up to but not to exceed 400 hours. Applicant experience and training must be equivalent to the current minimum standards of training curriculum in effect at the time of application, unless such deficiencies are covered in the certification by waiver program.

[10.29.6.8 NMAC - Rp, 10.29.6.8 NMAC, 11/15/16]

10.29.6.9 ELIGIBILITY OF OUT-OF-STATE POLICE OFFICER APPLICANTS:

A. In the event a certified officer from another state or duly commissioned officer from a federal agency makes application for certification in the state of New Mexico, they must meet all qualifications and requirements as determined by the director.

B. Any applicant who has not been employed as a full-time law enforcement officer for a period in excess of eight years must attend the basic police officer training program to become certified.

C. Any applicant who has successfully completed an accredited law enforcement academy from another state, but has never been certified, must secure a law enforcement position with a recognized New Mexico law enforcement agency within three years of academy completion and must meet all other qualifications and requirements as determined by the director to be eligible for certification by waiver.

[10.29.6.9 NMAC - Rp, 10.29.6.9 NMAC, 11/15/16]

10.29.6.10 ELIGIBILITY OF RETIREES: In the event a retired certified officer who has appropriately separated from law enforcement service makes application to obtain or regain New Mexico certification by waiver of basic training, such applicants shall satisfy the following requirements.

A. Applicant must have graduated from a certified law enforcement academy that was comparable to or exceeded the standards of the programs of the New Mexico academy.

B. Separation must be under honorable conditions.

C. Complete all other conditions required under the current certification by waiver of basic training, except for the physical fitness and agility requirements.

D. Complete any other requirements imposed on applicant by sponsoring agency.

[10.29.6.10 NMAC - Rp, 10.29.6.10 NMAC, 11/15/16]

10.29.6.11 REQUIREMENTS FOR ACTIVE DUTY MILITARY POLICE APPLICANTS:

A. Qualifying military police must have successfully completed a basic military police course and completed a four-year enlistment as a military police officer in the U.S. army, U.S. marine corps, U.S. air force, or U.S. navy. Persons serving in the U.S. coast guard and department of defense police do not meet occupational requirements.

B. Individuals meeting the aforementioned qualifications must have successfully completed basic military training from one of the following military police courses for the military branch they served:

(1) U.S. army after 9/1/2003;

(2) U.S. marine corps after 9/1/2003;

- (3) U.S. air force after 9/1/2005; or
- (4) U.S. navy after 9/1/2005.
- C. Military occupational specialties or air force career classifications considered are:
 - (1) U.S. army 95B, or 31B;
 - (2) U.S. marine corps 5811;
 - (3) U.S. air force 3PO51, or 3PO91; or
 - (4) U.S. navy master at arms, or navy enlisted classification (NEC) 9545 (completed

NAVEDTRA 14137).

D. Individuals serving in the armed forces who have completed a basic military police course prior to the above dates, but had continuous military service in an approved military occupation specialty or air force career (MOS/AFC) since completion of the military basic course, along with continuing educational courses may be considered. Applicants meeting this criterion will be required to complete part I and part 2 packets as listed in Section 29-7-6 NMSA 1978, qualifications for certification, listing all schools and training to the New Mexico law enforcement academy (NMLEA) director for consideration.

E. All of the aforementioned military police applicants must attend the 80 hour certification by waiver training course and successfully pass the LEOCE with a score of seventy percent or better.

F. Applicants currently on active duty status must also submit a notarized letter from their current command attesting to their current status, records of any disciplinary actions, and a statement attesting the applicant is eligible for a general/honorable discharge.

G. members who have only served in the national guard or reserves are not eligible for the certification by waiver program.

[10.29.6.11 NMAC - Rp, 10.29.6.11 NMAC, 11/15/16]

10.29.6.12 REQUIREMENTS FOR PUBLIC SAFETY TELECOMMUNICATOR:

A. In order to be eligible for certification by waiver of basic training, such applicants shall be required to successfully complete a certification by waiver of previous training program in order to demonstrate proficiency. The training will include the following topics: human relations; civil law; criminal law; domestic violence; national crime information center; New Mexico law enforcement telecommunications system (NCIC – NMLETS) and critical incident management training. The public safety telecommunicator certification examination will be administered at the end of the training program. The applicant will have two opportunities to successfully pass the exam. Two failures of the exam will require the applicant to attend the basic public safety telecommunicator training program.

B. For the purposes of certification by waiver of previous training, pursuant to Section 29-7C-6 NMSA 1978, the academy board has adopted the following formula to be applied to individuals who have not completed a comparable basic training program. Applicants will be given credit for previous public safety telecommunicator experience at the rate of 24 hours per year for each year of service, up to but not to exceed five years, for a total of 120 hours, and the applicant will receive credit for advanced training, up to but not to exceed 120 hours. Applicant experience and training must be equivalent to the current minimum standards of training curriculum in effect at the time of application, unless such deficiencies are covered in the certification by waiver program.

[10.29.6.12 NMAC - Rp, 10.29.6.12 NMAC, 11/15/16]

10.29.6.13 ELIGIBILITY OF OUT-OF-STATE PUBLIC SAFETY TELECOMMUNICATOR APPLICANTS:

A. In the event a certified telecommunicator from another state or a telecommunicator from a federal agency makes application for certification in the state of New Mexico they must meet all qualifications and requirements as determined by the director.

B. Any applicant who has not been employed as a certified telecommunicator for a period in excess of eight years must attend the basic public safety telecommunicator training program to become certified.

C. Any applicant who has successfully completed an accredited law enforcement academy from another state, but has never been certified, must secure a telecommunicator position with a New Mexico public safety agency within three years of academy completion and must meet all other qualifications and requirements as determined by the director to be eligible for certification by waiver.

[10.29.6.13 NMAC - Rp, 10.29.6.13 NMAC, 11/15/16]

HISTORY OF 10.29.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #C4, Certification By Waiver Of Previous Training Program, filed 10-25-1989; NMLEA Rule #C4, Certification By Waiver Of Previous Training Program, filed 12-31-1992.

History of Repealed Material:

10.29.6 NMAC, Law Enforcement Academy - Certification By Waiver, filed 7-1-2001 - Repealed effective 11/15/2016.